

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 19, 2010

No. 09-60418

Lyle W. Cayce
Clerk

VICTOR HUGO CARDONA-LOPEZ, also known as Omar Torres-Sanchez,
also known as Alejandro Marin Ruiz, also known as Victor Lopez,

Petitioner

v.

ERIC H. HOLDER, JR., U.S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before KING, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:*

Victor Hugo Cardona-Lopez, a citizen and native of Mexico, petitioned this court for review of the order issued by the Board of Immigration Appeals' (BIA) affirming the Immigration Judge's (IJ's) determination that he was ineligible for cancellation of removal. The BIA held that Cardona-Lopez's second criminal

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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possession of a controlled substance constituted a drug-trafficking aggravated felony for immigration purposes. We summarily affirmed the order of the BIA, relying on *Carachuri-Rosendo v. Holder*, 570 F.3d 263 (5th Cir. 2009), *reversed*, ___ S. Ct. ___, 2010 WL 2346552 (U.S. June 14, 2010). Having reversed our decision in *Carachuri-Rosendo* and held that “the defendant must . . . have been actually convicted of a crime that is itself punishable as a felony under federal law,” 2010 WL 2346552, *11, the Supreme Court vacated our decision in this case and remanded the case for reconsideration. In accordance with the Supreme Court’s ruling, the order of the BIA is VACATED and the case is REMANDED to the BIA for reconsideration in the light of *Carachuri-Rosendo*.

VACATED and REMANDED. Each side shall bear its own costs and attorney’s fees.